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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,044	02/25/2004	Hiraku Kayama	YAMA:066	4413
7590	10/11/2005		EXAMINER	
Marc A. Rossi ROSSI & ASSOCIATES P.O. BOX 826 ASHBURN, VA 20146-0826			RUSSELL, CHRISTINA MARIE	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJ

Office Action Summary	Application No.	Applicant(s)	
	10/787,044	KAYAMA, HIRAKU	
	Examiner	Art Unit	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
2. Reference numbers 401a-f, are not mentioned in the specifications with regard to Figure 9.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
5. On page 15 of the specifications, at the end of the paragraph started on page 14, in the sentence that starts, "For each note data that is not imparted..." the word vibrato is repeated.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by the US patent to Nakata et al. (5,085,116).
8. In terms of claim 1, Nakata et al. teaches of a score data displaying and editing apparatus with a storage section which stores specific pitch and period, or phrase, data, along with additional note data, and further displays this data using a pictorial figure, such as a bar, or other symbols (see Fig 4, column 1, lines 46-50 and 52-55, column 1, line 58 – column 2, line 34, and column 4, lines 20-35 and 55-64).

9. As for claim 2, Nakata et al. teaches all the above claimed elements of claim 1, including a selection section that selects a certain aspect of the note data, for example a portion of the performance data, and further displays that selected data with a symbol, letter, or pictorial figure (see column 2, lines 3-20 and 26-34).

10. As for claims 3 and 4, Nakata et al. teaches all the above claimed elements of claim 1, including a process to which the state of the data can be changed, segmented, selected and further changed (see column 1, lines 46-50, and column 7, lines 4-9, 16-36, and 43-60).

11. As for claim 5, Nakata et al. teaches all the above claimed elements of claim 3, including the display of changed pictorial figures or symbols in relation to the changed data (see column 2, lines 26-34 and 56-58, and column 8, lines 8-12).

12. As for claim 6, Nakata et al. teaches all the above claimed elements of claim 1, including the additional data being able to take on the performance technique of legato (see column 8, lines 13-20).

13. In terms of claims 7 and 8, Nakata et al. again teaches of a score data displaying and editing apparatus with a storage section which stores specific pitch and period, or phrase, data, along with additional note data, and further displays this data using a pictorial figure, such as a bar, or other symbols. Nakata also teaches of time data, that is displayed on a coordinate plane where one axis is designated for pitch and the other for time, and the starting and ending points of a note phrase is indicate by a pictorial figure, such as a bar (see Fig 4 and 8, column 1, lines 46-50 and 52-55, column 1, line 58 – column 2, line 34, and column 4, lines 15-35 and 55-64).

14. As for claim 9, Nakata et al. teaches all the above claimed elements of claim 8, including a pointer or cursor displayed in pictorial form on the display section, whose position can be controlled and used to designate a particular segment of data and further change that segment as willed, and display those changes (see Figure 8, the mouse cursor in the form of an arrow, column 1, line 46 – column 2, line 2, column 2, lines 4-25, column 4, lines 15-35, and column 6, lines 47-55).

15. As for claim 10, Nakata et al. teaches all the above claimed elements of claim 7, including the storage section storing partial waveform data, such as only the start or end time (see column 3, lines 52-60, column 4, lines 50-64, column 6, lines 15-23, and column 8, lines 13-20).

16. As for claim 11, Nakata et al. teaches all the above claimed elements of claim 7, including the additional data being able to take on the performance technique of legato (see column 8, lines 13-20).

17. In terms of claims 12 and 13, Nakata et al. again teaches the claimed elements of claims 1 and 7, including the elements being performed by a program executed by a CPU (see Fig 4, column 1, lines 46-50 and 52-55, column 1, line 58 – column 2, line 34, column 3, lines 42-45 and 51-57, and column 4, lines 20-35 and 55-64).

Conclusion


18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent to Aoki et al (6,252,152) and US patent application publication to Suzuki et al. (US 2004/0094017).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
09/26/2005


DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800